

179679

BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

Docket No. \_\_\_\_\_

IN RE:

Application of BellSouth Telecommunications, Inc. )  
To Provide In-Region InterLATA Services )  
Pursuant to Section 271 of the Telecommunications )  
Act of 1996 )

BELLSOUTH TELECOMMUNICATIONS INC.'S MOTION TO ACCEPT COPIES  
ON CD-ROM IN LIEU OF PAPER COPIES

COMES NOW, BellSouth Telecommunications, Inc.  
("BellSouth"), hereby files this Motion requesting that the  
Public Service Commission of South Carolina (the  
"Commission") accept certain documents to be filed on CD-ROM  
in lieu of paper copies in this matter. The reason for this  
request is to foster efficiency in the filing process.

A Party filing an Application or Notice with the  
Commission is required to file the original and fifteen (15)  
copies of the Application or Notice and the original and  
twenty-five (25) copies of all testimony submitted in  
support of the Application or Notice (PSC Regs. 103-831 and  
103-834(B).) BellSouth will file one (1) original and

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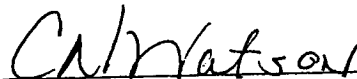
fifteen (15) copies of the Notice of Intent to File Section 271 Application with the Federal Communications Commission. However, BellSouth requests that the Commission accept one (1) original and one (1) paper copy of all testimony and exhibits filed in support of the Notice, along with the additional (24) twenty-four copies of all such testimony and exhibits on CD-ROM.

BellSouth believes there will be no prejudice presented by this request.

For the reason stated above, BellSouth asks that the Commission grant the relief requested herein.

Respectfully submitted this 16th day of May, 2001.

BELLSOUTH TELECOMMUNICATIONS, INC.



Caroline N. Watson  
Suite 821 - 1600 Hampton Street  
Columbia, South Carolina 29201

Fred J. McCallum, Jr.  
Lisa S. Foshee  
675 West Peachtree Street, Suite 4300  
Atlanta, Georgia 30375

William F. Austin  
Austin, Lewis & Rogers  
Post Office Box 11716  
Columbia, South Carolina 29211

**BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

**Docket No. 2001-209-C**

**In Re:**

**Application of  
BellSouth Telecommunications, Inc.  
To Provide In-Region InterLATA  
Services Pursuant to Section 271  
of the Telecommunications Act of 1996**

**MOTION TO RECONSIDER  
SCHEDULING DECISION**

At its hearing on May 15, 2001, this Commission voted to begin hearings on BellSouth's application to provide in-region interLATA services pursuant to Section 271 of the Telecommunications Act of 1996 on July 23, 2001. Intervenor NewSouth Communications and the South Carolina Cable Television Association ("Cable Association") now move the Commission for an order rejecting BellSouth's request for an expedited hearing and rescheduling the hearing in this matter at a time which will allow appropriate development of the issues presented. In support of the motion, NewSouth Communications and the Cable Television Association would show the following:

1. On May 14, in response to BellSouth's request for an expedited hearing, AT&T filed a detailed memorandum with attachments arguing against that request. NewSouth and the Cable Association incorporate AT&T's response and its arguments in this motion. AT&T's arguments are compelling and demonstrate that there is no reason to expedite the hearing in this matter.
2. BellSouth has made no showing as to any reason which would justify the abbreviated opportunity for discovery and preparation which will be afforded by the expedited hearing date which this Commission has approved. Haste in addressing § 271 compliance in South Carolina is

particularly inappropriate and pointless given BellSouth's intent to rely here on its showing that its Operational Support Systems ("OSS") are satisfactory in Georgia and Florida. In its comments filed in Docket 2000-0013-C, the Generic Proceeding to Address Performance Measures and Third Party Testing, BellSouth urged this Commission not to order its own third-party testing of OSS but to rely on the third-party testing being done in Georgia and Florida. See Comments of BellSouth filed April 14, 2000, p.7. (Exhibit A).

BellSouth's reliance on its showing in these other states makes two things clear: (1) this Commission should not go forward to address BellSouth's § 271 application until Georgia and Florida have completed their reviews; and (2) the FCC will consider Georgia and Florida to be "anchor" states with respect to South Carolina and will not review the South Carolina application until it has reviewed the applications from the anchor states. See ¶s 34-38, FCC Memorandum Opinion and Order Released January 22, 2001, in CC Docket No. 00-217.

3. Recent news reports indicate that BellSouth expects its Georgia § 271 application to be delayed by up to two months. See *Atlanta Journal and Constitution*, June 1, describing the situation as follows:

Phil Jacobs, President of BellSouth for Georgia, said Thursday that the state Public Service Commission will not vote on the issue until "the July-August time frame."

Although a June endorsement had previously been predicted, "this is a very complex process," Jacobs said.

Further delay in Georgia underscores the complexity of this process and the lack of any reason why this Commission should rush its review.

4. Under BellSouth's expedited schedule the period of time allowed for discovery and hearing preparation is insufficient to comply with the basic requirements of the South Carolina Administrative Procedures Act. Section 1-23-320 (e) S.C. Code of Laws, requires that "[o]ppportunity shall be afforded all parties to respond and present evidence and argument on all issues involved." Given the material thus far submitted by BellSouth it is patently clear that the parties to this proceedings will not have sufficient time to prepare for a hearing beginning July 23, 2001.<sup>1</sup>

5. The time frame allowed under the present schedule also appears insufficient to allow this Commission to adequately review BellSouth's application (and its voluminous supporting documents) in order to make a meaningful recommendation to the FCC on whether the § 271 application should be granted. For comparison purposes, every state where there has been a successful § 271 application has involved an active review by a state commission lasting well in excess of a year.


NewSouth Communications and the Cable Association, for the foregoing reasons, urge this Commission to reconsider the scheduling of the hearing in this matter. Fundamental fairness requires a sufficient opportunity for the parties to review and consider the application and supporting materials. No such opportunity is afforded under the current schedule. In addition, there is simply no good reason why this proceeding should be rushed. The result will be a decision which, even if it is an endorsement of BellSouth's application, could not be persuasive with the FCC. Rushing this

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<sup>1</sup> Staff in the office of the undersigned have thus far been able to print approximately half of the files contained on the compact disk submitted by BellSouth in support of its application. The stack of paper produced is already over six feet high.

proceeding is no way to advance the development of a truly competitive telecommunications market in this state.

ROBINSON, McFADDEN & MOORE, P.C.

By   
Frank R. Ellerbe, III  
Bonnie D. Shealy  
Post Office Box 944  
Columbia, SC 29202  
(803) 779-8900

Attorneys for NewSouth Communications and  
The South Carolina Cable Association

Columbia, South Carolina

June 6, 2001.

BEFORE

THE PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

DOCKET NO. 2000-0013-C

IN RE:	Proceeding to Address	)	
	Performance Measures	)	
	And Third Party Testing	)	COMMENTS OF
	Of the Operations Support	)	BELLSOUTH
	Systems (OSS) of BellSouth	)	
	Telecommunications, Inc.	)	
		)	

---

On March 20, 2000, the Public Service Commission of South Carolina ("Commission") held an informal proceeding to address the third party testing of the Operational Support Systems ("OSS") of BellSouth Telecommunications, Inc. ("BellSouth"). In accordance with the Commission's ruling at the close of the informal hearing, BellSouth submits the following comments:

**SUMMARY OF COMMENTS**

BellSouth respectfully submits that a separate proceeding in South Carolina to review third party testing of BellSouth's OSS would be time consuming, costly, and of little benefit because such testing is ongoing in other BellSouth states. As indicated by William Stacey's presentation on March 20, 2000, third party testing of BellSouth's OSS is currently ongoing in Georgia and

Florida. This testing covers all aspects of BellSouth's electronic interfaces with a Competitive Local Exchange Carrier ("CLEC"), and also covers manual processes and performance measures. Because BellSouth's OSS is a regional system, there is no need to independently test BellSouth's OSS in South Carolina.

BellSouth is confident that the testing in Florida and Georgia will unquestionably demonstrate that BellSouth's OSS is operationally ready, and that non-discriminatory access is being provided to CLECs. Once the testing in these two states is completed, this Commission will have all the information necessary to monitor the performance of BellSouth's OSS.

In addition to investing millions of dollars to develop and continuously improve its OSS, BellSouth has developed self enforcing performance remedies, and such remedies are available to become a part of all interconnection agreements with CLECs. These performance remedies have been developed with input from CLECs, state commissions, and the Federal Communications Commission ("FCC"). The performance remedies contain a three-tiered enforcement structure. Once BellSouth obtains long distance relief in any one state, and in the event that BellSouth's performance is deficient, Tier 1 damages are



payable in all BellSouth states to any CLEC that has adopted the remedies into an interconnection agreement. Tier II and Tier III remedies are not available in a particular state until BellSouth receives long distance authority in that state. BellSouth's performance remedies will ensure that CLECs will continue to receive non-discriminatory access to BellSouth's OSS after BellSouth obtains long distance relief.

#### **COMMENTS**

##### Status of BellSouth's Third Party Testing

In an informal conference on March 20, 2000, BellSouth presented to the Commission an explanation of activities currently underway regarding the independent third party testing activities of BellSouth's OSS. These tests include all aspects of BellSouth's CLEC electronic ordering interfaces, as well as the testing of manual ordering, provisioning and performance measurements. Since all of BellSouth's electronic interfaces for the CLECs are regional systems, there is no need to do any further third party testing in other states.

To illustrate this point further, the following are some of the items that are being tested in the Georgia and Florida third party tests:

- Pre-ordering
- Ordering & Provisioning
- Maintenance & Repair
- Billing
- Volume testing
- Change Management
- Flow Through Evaluation
- Performance Metrics Review
- XDSL testing

#### Procedure and Procedures Review

In addition, BellSouth participates in weekly conference calls with the Georgia and Florida Commissions and the CLECs. Monthly status reports are published, along with all exceptions (specific test findings), on the respective web sites of the Commissions.

#### BellSouth's Incentive to Perform

BellSouth recognizes that its OSS must perform satisfactorily in order to receive long distance authority. With that in mind, BellSouth conducted a series of discussions with the FCC staff since the second petition for long distance relief for Louisiana was denied. In its order denying BellSouth's request for long distance authority in Louisiana, the FCC stated that it believed the

public interest necessitated that BellSouth establish a system of self enforcement measures to insure that BellSouth does not backslide in providing nondiscriminatory access to CLECs, after long distance authority is granted. Therefore, BellSouth developed a plan referred to as Voluntary Self-Effectuating Enforcement Mechanisms (VSEEM) that incorporated FCC desired characteristics, addressed CLEC comments, and considered the collaborative work effort by state commissions in BellSouth's region and elsewhere.

The plan contains both monetary and non-monetary incentives, remedies for the individual LEC and the CLEC industry, enforcement mechanisms that escalate with failure magnitude and duration, and renders payment within 30 days after the reporting period.

BellSouth's proposal is a voluntary proposal which has been incorporated in BellSouth's interconnection agreements with a number of CLECs, and is available to any CLEC in South Carolina. The plan contains a three-tiered enforcement structure that serves as a powerful incentive for BellSouth to maintain high levels of performance for all CLECs, after long distance approval, that is at least equal to services provided to BellSouth's retail customers. Each Tier operates independently, so Tier-1, Tier-2 and Tier-3 can all be active at the same time.

*Tier-1 Enforcement Mechanisms* means self-executing liquidated damages paid directly to an individual CLEC when BellSouth delivers non-compliant performance.

*Tier-2 Enforcement Mechanisms* means Assessments paid directly to a state Public Service Commission or its designee when BellSouth delivers non-compliant performance for CLECs in the aggregate.

*Tier-3 Enforcement Mechanisms* means the voluntary suspension of additional marketing and sales of long distance services when BellSouth performance is out of compliance or does not meet the benchmark for the aggregate of all CLEC data.

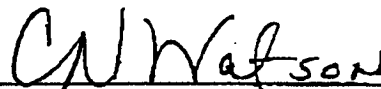
Under BellSouth's proposal, Tier I damages will be payable in all states once long distance relief is granted in one state. Thus, CLECs in South Carolina who have incorporated the plan into their interconnection agreements would be eligible to receive Tier I damages once BellSouth receives long distance authority in any one state. However, Tier-2 and Tier-3 remedies are not available in a particular state until long distance relief is granted in that state.

### CONCLUSION

BellSouth respectively requests that the Commission monitor the status of the third party testing activities in Georgia and Florida. A separate South Carolina proceeding to review third party testing would be redundant and extremely costly. BellSouth believes that when the third party testing activities are complete in Georgia and Florida, the Commission will have access to all the information it needs to evaluate and monitor the performance of BellSouth's OSS for itself.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.



Caroline N. Watson  
Robert A. Culpepper  
1600 Hampton Street, Suite 821  
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R. Douglas Lackey  
J. Phillip Carver  
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William F. Austin  
Post Office Box 12396  
Columbia, South Carolina 29211  
(803) 256-4000

April 14, 2000  
205460

Public Service Commission  
Docket No: 2001-209-C  
page 1

**BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA**

**Docket No. 2001-209-C**

**In Re:** )  
 )  
**Application of** )  
**BellSouth Telecommunications, Inc.** )  
**To Provide In-Region InterLATA** )  
**Services Pursuant to Section 271** )  
**of the Telecommunications Act of 1996** )  
\_\_\_\_\_ )

**CERTIFICATE OF SERVICE**

This is to certify that I, Barbara Standridge, a legal assistant with the law firm of Robinson, McFadden & Moore, P.C., have this day caused to be served upon the person(s) named below the **Motion to Reconsider Scheduling Decision on behalf of NewSouth Communications and the South Carolina Cable Association** in the foregoing matter by placing a copy of same in the United States Mail, postage prepaid, in an envelope addressed as follows:

Caroline Watson, Esquire  
General Counsel  
BellSouth Telecommunications, Inc.  
Post Office Box 752  
Columbia, South Carolina 29202

Francis P. Mood, Esquire  
Haynesworth, Sinkler & Boyd, P.A.  
Post Office Box 11889  
Columbia, South Carolina 29211  
(AT&T)

Darra W. Cothran, Esquire  
Woodward, Cothran & Herndon  
Post Office Box 12399  
Columbia, South Carolina 29211  
(MCI Telecommunications Corporation)

Public Service Commission  
Docket No: 2001-209-C  
page 2

William Austin, Esquire  
Austin, Lewis & Rogers  
Post Office Box 11718  
Columbia, South Carolina 29211  
(BellSouth)

Scott Elliott, Esquire  
Elliott & Elliott  
721 Olive Street  
Columbia, South Carolina 29205  
(United Telephone & Sprint Comm.)

Faye A. Flowers, Esquire  
Parker Poe Adams & Bernstein  
Post Office Box 1509  
Columbia, South Carolina 29202  
(US LEC)

John J. Beach  
Beach Law Firm  
Post Office Box 11547  
Columbia, South Carolina 29211-1547  
(Resort Hospitality Services)

Andrew O. Isar  
7901 Skansle Avenue, Suite 240  
Gig Harbor, WA 98335  
(Assoc. of Comm. Enterprises)

Dated at Columbia, South Carolina this 6th day of June 2001.

  
Barbara Standridge

**BEACH LAW FIRM, P.A.**

ATTORNEYS AT LAW

1321 LADY STREET, SUITE 310  
POST OFFICE BOX 11547  
COLUMBIA, SOUTH CAROLINA 29211-1547

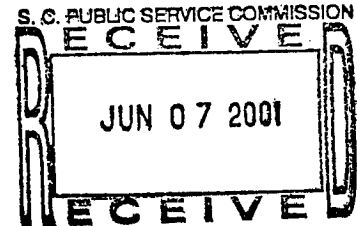
JOHN F. BEACH  
JOHN J. PRINGLE, JR.

June 7, 2001

AREA CODE 803  
TELEPHONE 779-0066  
FACSIMILE 799-8479

**VIA HAND-DELIVERY**

The Honorable Gary E. Walsh  
Executive Director  
South Carolina Public Service Commission  
PO Drawer 11649  
Columbia SC 29211



RE: Application of BellSouth Telecommunications Inc. to Provide In-Region  
InterLATA Services Pursuant to Section 271 of the  
Telecommunications Act of 1996  
Docket No. 2001-209-C

Dear Mr. Walsh:

NuVox Communications, Inc., ("NuVox") in support of the eloquent and persuasive pleadings filed by AT&T Communications for the Southern States, Inc., NewSouth Communications Corp., and the South Carolina Cable Television Association on the subject of the pre-filing deadlines and hearing date in this Docket, would add briefly the following:

On May 16<sup>th</sup>, BellSouth filed with this Commission, *inter alia*, a compact disk which contains 93 files totaling 214 megabytes (MB) of data. To put the size of the filing in perspective, one MB of data is equivalent to a small novel<sup>1</sup>; the entire works of Shakespeare could fit into 5MB of space<sup>2</sup>; and one meter of shelved books is equal to 100MB. Based upon the fact that a typewritten page is equal to two kilobytes<sup>3</sup>, BellSouth's filing is the equivalent of 107,000 typewritten pieces of paper. By any account, measure, or comparison, therefore, the sheer volume of BellSouth's filing is staggering.

Should a person petition to become a party to the Docket on June 21<sup>st</sup>, which the rules and regulations of the Commission give any person the absolute right to do, then that party

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<sup>1</sup> Peter Lyman and Hal R. Varian, "How Much Information," Appendix A,  
<http://www.sims.berkeley.edu/research/projects/how-much-info/datapowers.html>

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

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(Continued . . .)



The Honorable Gary E. Walsh  
June 7, 2001  
Page 2

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would have 18 days to review BellSouth's testimony and exhibits, consistent with the procedural schedule set by the Commission, in order to file testimony on or before July 9th. Doing so would require that party to digest the equivalent of almost 12 small novels (11.88MB) of data each and every day (including weekends and holidays), in order to thoroughly review BellSouth's filing.

Anticipating the response that putative parties in this Docket were provided with BellSouth's filing on May 16<sup>th</sup>, (and putting aside *arguendo* the fact that all basic concepts of due process, notice, and the opportunity to be heard would afford a party entering this Docket on June 21<sup>st</sup> the same rights as any other party), even that period of time (54 days between filing and the due date for testimony) simply does not provide parties, including the Staff, with adequate time to review this megatome of testimony and exhibits. With respect to the Staff's review, assuming that three (3) members of the Commission Staff were assigned to review this data on a full-time basis *on the day BellSouth filed this information with the Commission*, each Staff member would be required to review more than a one-novel equivalent (1.3MB) every day from the date of filing to the testimony due date.

BellSouth's May 16<sup>th</sup> filing does not include the performance measures data BellSouth will file on or before June 18<sup>th</sup>, which undoubtedly will also be voluminous.

Based upon the foregoing, as well as the arguments advanced by the other parties referenced above, NuVox respectfully requests that the Commission reconsider the hearing date and procedural schedule it has established.

With kind regards, I am

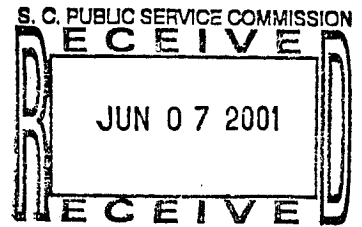
Yours truly,



John J. Pringle, Jr.

JJP/cr

cc: Hamilton E. Russell, III, Esquire (via first-class mail service)  
All Parties of Record (via first-class mail service)



BEFORE THE  
SOUTH CAROLINA PUBLIC SERVICE COMMISSION

DOCKET NO. 2001-209-C

Application of BellSouth Telecommunications	)	
Inc. To Provide In-Region InterLATA	)	<b>CERTIFICATE OF SERVICE</b>
Services Pursuant to Section 271 of the	)	
Telecommunications Act of 1996	)	

This is to certify that I have caused to be served this day, one (1) copy of the **Letter to The Honorable Gary E. Walsh** by placing a copy of same in the care and custody of the United States Postal Service (unless otherwise specified), with proper first-class postage affixed hereto and addressed as follows:

Caroline N. Watson, Esquire  
**BellSouth Telecommunications, Inc.**  
PO Box 752  
Columbia SC 29202-0752

William F. Austin, Esquire  
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Florence Belser, Esquire  
**South Carolina**  
**Public Service Commission**  
PO Drawer 11649  
Columbia SC 29211

  
\_\_\_\_\_  
Carol Roof

June 7, 2001

Columbia, South Carolina

F:\APPS\OFFICE\WPWIN\WPDOCS\RH-S-TELSOUTH\BellSouth Section 271\CERT.SER.wpd

721 OLIVE STREET  
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(P) (803) 771-0555  
(F) (803) 771-8010  
sellott1@mindspring.com

ELLIOTT & ELLIOTT, P.A.

# Fax

To:	Gary E. Walsh	From:	Scott Elliott
Fax:	803-896-5246	Pages:	5 (including cover)
Phone:	803-896-5133	Date:	6/8/01
Re:	Application of BellSouth to Provide In-Region InterLATA Services Pursuant to Section 271 CC:		

☐ Urgent    ☐ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

● Comments:

Attached please find a courtesy copy of the correspondence which I intend to file Monday morning on behalf of Sprint in support of the Motion to Reconsider Scheduling Decision filed by NewSouth Communications June 7, 2001.

**CONFIDENTIALITY NOTICE:** The information contained in this facsimile transmission contains confidential and legally privileged information. The information is intended only for the use of the individual or entity named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, or distribution of this communication is strictly prohibited. If you have received this facsimile in error, please notify us immediately at the telephone number listed above to arrange for the return of the original documents. Thank you.

If you are having problems receiving this transmission, please contact Amber M. Bressler at the telephone number above.

4

## ELLIOTT &amp; ELLIOTT, P.A.

ATTORNEYS AT LAW

721 OLIVE STREET

COLUMBIA, SOUTH CAROLINA 29205

SCOTT ELLIOTT

TELEPHONE (803) 771-0555

FACSIMILE (803) 771-8010

June 11, 2001

## VIA HAND DELIVERY

Mr. Gary E. Walsh, Executive Director  
South Carolina Public Service Commission  
Koger Executive Center  
101 Executive Center Drive  
Post Office Drawer 11649  
Columbia, S.C. 29211

Re: *Application of BellSouth Telecommunications, Inc., to Provide In-Region InterLATA Services  
Pursuant to Section 271 of the Telecommunications Act of 1996  
Docket No. 2001-209-C*

Dear Mr. Walsh:

United Telephone Company of the Carolinas and Sprint Communications Company L. P. (collectively, Sprint) are in receipt of a copy of the Motion to Reconsider Scheduling Decision filed in this matter on June 7, 2001, by NewSouth Communications and the South Carolina Cable Television Association (collectively, NewSouth). Sprint agrees with NewSouth that reconsideration of the scheduling of the hearing in this matter is entirely justified for the reasons set forth in NewSouth's Motion and advanced in Sprint's Petition for Order Soliciting Comments on Proposed Hearing Schedule filed with the Commission on May 21, 2001.

This proceeding is of great importance to the people of South Carolina and to the companies involved. The issues are complex, the filings are voluminous, and the Commission will to some extent be acting in reliance on the results of testing being performed, but not yet completed and reported upon, in other states. As presently scheduled, there will not be sufficient time for discovery and adequate presentation of a case of such importance. Merely reviewing the materials filed thus far is virtually impossible in the time available. Simple due process requires more time and the adoption of a more considered pace.

Chief among the issues Sprint believes to be of importance in establishing a procedural and hearing schedule are the critical market entry issues which remain under consideration by the Commission at this time (unbundled network element pricing, for example), the unresolved status of testing of BellSouth's Operational Support Systems, and the additional questions set out in Sprint's earlier Petition for Order Soliciting Comments on Proposed Hearing Schedule. Sprint will not belabor the point by

Mr. Gary E. Walsh  
June 8, 2001  
Page 2

restating those issues at length in this filing or by expanding upon them as it would have done had the Commission issued an order soliciting comments as Sprint requested. Sprint does, however, wish to go on record as supporting NewSouth's Motion.

Should you have any questions or if I can be of any assistance whatsoever in this matter, please do not hesitate to contact me.

Sincerely Yours,

ELLIOTT & ELLIOTT, P.A.

SCOTT ELLIOTT

SE:ab  
Enclosure

cc: Jack H. Derrick, Esquire (via U.S. Mail)  
All Parties of Record (via U.S. Mail)

ORIGINATING MESSAGE  
from (803) 254-1731

Date: June 8, 2001

BELLSOUTH TELECOMMUNICATIONS, INC.  
LEGAL DEPARTMENT  
1600 WILLIAMS STREET, SUITE 5200  
COLUMBIA, SOUTH CAROLINA 29201

6 TOTAL PAGES (plus cover sheet)

TO: Gary Walsh 896-5246

FROM: Caroline N. Watson

IF YOU ARE EXPERIENCING ANY PROBLEMS, CALL (803) 401-2901

5



Post Office Box 752  
Columbia, South Carolina 29202-0752  
Telephone: 803/401-2900  
Fax: 803/254-1731

E-mail: caroline.watson@bellsouth.com  
IPager: cwatson2@imcingular.com

June 8, 2001

Caroline N. Watson  
General Counsel - South Carolina

Street Address:  
1600 Williams Street, Suite 5200  
Columbia, South Carolina 29201

Mr. Gary Walsh  
Executive Director  
Public Service Commission of South Carolina  
Post Office Drawer 11649  
Columbia, SC 29211

RE: 2001-65-C

Dear Mr. Walsh:

This letter is to notify you that BellSouth Telecommunications, Inc. ("BellSouth") intends to file a Response to any Motions for Reconsideration filed by other parties in the above-referenced matter. Yesterday, BellSouth received a Motion to Reconsider Scheduling Decision filed by NewSouth Communications Corp. and the South Carolina Cable Television Association. Today we have received a Motion to Reconsider Scheduling Decision filed by NuVox Communications, Inc. We understand that these Motions will be considered at the Commission's agenda session on Tuesday, June 12<sup>th</sup>. It is BellSouth's position that both Motions should be denied.

BellSouth is prepared to move forward to prove to the Commission that it has taken all actions necessary to open local markets to competition in South Carolina in satisfaction of the requirements in section 271 of the Telecommunications Act. Thus, the sooner this matter is heard and decided by the Commission, the sooner the citizens of South Carolina can enjoy the benefits of greater competition in South Carolina.

BellSouth believes that the parties' arguments have no merit and should not dissuade the Commission from its original decision. For instance, NuVox claims the "sheer volume of BellSouth's filing is staggering." Had NuVox reviewed the documents it is referencing, however, it would have realized that the bulk of the pages are documents



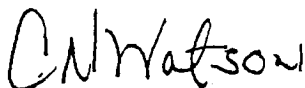
Mr. Gary Walsh  
Page Two  
June 8 2001

currently used in its business operations. Other lengthy documents should be very familiar to NuVox, as they are documents developed in collaboration between the parties and BellSouth in Georgia to develop performance measures and third party testing. BellSouth served all parties with all of these documents on May 16, 2001, as a courtesy in order to allow the parties to have access to all relevant information for an additional amount of time prior to the hearing and without filing a Motion to Intervene.

BellSouth will file its Response on Monday, June 11<sup>th</sup> and hand-deliver or fax to all parties a copy of our Response.

Please let me know if you have questions concerning this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "C. N. Watson". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Caroline N. Watson

ORIGINATING MESSAGE  
from (803) 254-1731

Date: June 11, 2001

BELLSOUTH TELECOMMUNICATIONS, INC.  
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9

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TO: Gary Walsh 896-5246

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June 11, 2001

The Honorable Gary E. Walsh  
Executive Director  
Public Service Commission of SC  
Post Office Drawer 11649  
Columbia, South Carolina 29211

Re: Application of BellSouth Telecommunications, Inc.  
to Provide In-Region InterLATA Services Pursuant  
to Section 271 of the Telecommunications Act of  
1996  
Docket No. 2001-209-C

Dear Mr. Walsh:

Enclosed for filing please find the original and 15  
copies of BellSouth Telecommunications, Inc.'s Reply to  
NewSouth Communications' and South Carolina Cable  
Television Association's Motion to Reconsider Scheduling  
Decision in the above-referenced matter on behalf of  
BellSouth Telecommunications, Inc.

Sincerely,

A handwritten signature in cursive script that reads "CN Watson".

Caroline N. Watson

CNW/nml

Enclosure

BEFORE THE  
PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

In the Matter Of

Application of BellSouth  
Telecommunications, Inc. to Provide  
In-Region InterLATA Services Pursuant  
to Section 271 of the Telecommunications  
Act of 1996

Docket No. 2001-209-C

**BELLSOUTH TELECOMMUNICATIONS, INC.'S REPLY TO NEWSOUTH COMMUNICATIONS' AND  
SOUTH CAROLINA CABLE TELEVISION ASSOCIATION'S MOTION TO RECONSIDER  
SCHEDULING DECISION**

BellSouth Telecommunications Inc. ("BellSouth") hereby files its Reply to NewSouth Communications' ("NewSouth") and South Carolina Cable Television Association's ("SCCTA") Motion to Reconsider Scheduling Decision ("Motion"). In the Motion, NewSouth and SCCTA argue that the Public Service Commission of South Carolina ("Commission") should delay unnecessarily the benefits of interLATA competition to South Carolina consumers. To the contrary, public interest demands that the hearing be held as scheduled by the Commission on July 23, 2001, and that it not be delayed.

The procedural schedule set forth by this Commission provides all parties a meaningful opportunity to file testimony and to present live witnesses in support of their positions. The Commission will, therefore, have ample evidence upon which to make a sound, reasoned judgment about BellSouth's compliance with the competitive checklist. Interestingly, if the CLECs' believe that BellSouth is not in compliance, why would they keep seeking delay? The fact of the matter is that the CLECs know that BellSouth is in compliance with the Act, and they are using procedural weapons to attempt to delay BellSouth's entry into the interLATA market. Delaying this process will serve no purpose other than to deny South Carolina consumers the benefits of a truly competitive telecommunications market.

## DISCUSSION

### A. THE COMMISSION SHOULD DENY THE MOTION BECAUSE IT DOES NOT PRESENT ANY NEW ARGUMENTS OR MISTAKES OF LAW.

As the Commission is aware, the purpose of a motion for reconsideration is to bring to the Commission's attention material and relevant point of fact that it overlooked or failed to consider when the order was issued, a mistake of law or fact, or abuse of discretion. Reconsideration is not intended as a procedure for re-arguing a case merely because the losing party disagrees with the judgment or the order. Because SCCTA and NewSouth have failed to raise any issues not previously considered by the Commission, the Motion should be denied.

On May 18, 2001, BellSouth requested that a hearing date be reserved for the above-referenced proceeding. Several intervening parties, including AT&T, submitted objections to BellSouth's request. In its response, AT&T raised every substantive argument made in the Motion currently pending before the Commission. Specifically, SCCTA and NewSouth argue that this Commission should not act until Florida has completed its third party OSS test and until Georgia has ruled on BellSouth's 271 application. AT&T made the identical arguments in its Response. In fact, in numbered paragraph 1 of their motion, NewSouth and SCCTA simply incorporate the objections filed by AT&T in opposition to BellSouth's request for a hearing, even though the Commission rejected the very same objections in its scheduling order. The Commission did not find any of these objections persuasive and issued an order in which it granted BellSouth's request and set this matter for hearing on July 23, 2001. *See* Order No. 2001-532. SCCTA and NewSouth have not presented any grounds upon which the Commission should reconsider its decision.

In addition, SCCTA and NewSouth argue that the hearing schedule denies the parties due process pursuant to Section 1-23-320 (e) of the South Carolina Code. Given the Commission's obligation to comply with the law, however, BellSouth presumes that the Commission considered all due process implications of its schedule in its previous ruling. The Motion presents no reason to reconsider the schedule.

### B. THE STATUS OF LOCAL COMPETITION IN SOUTH CAROLINA DICTATES THAT THE COMMISSION SHOULD ACT NOW.

The most compelling reason to proceed with the hearing as scheduled is the current status of competition in the local market in South Carolina. BellSouth has irrevocably opened this market to competition, and the vigorous contest for market share in South Carolina is by itself a sufficient basis for the Commission to move forward with the hearing on July 23. BellSouth estimates that as of March 2001, competitive local exchange carriers ("CLECs")

served approximately 151,000 lines in South Carolina, which translates into approximately 9.4% of the local market. These figures are comparable to market share figures in states in which Regional Bell Operating Companies have already gained long distance relief. In Texas, for example, CLECs had captured between 8.4% - 14.0% of the local market when Southwestern Bell Corporation ("SBC") gained approval for entry into the interLATA market, and in Oklahoma, CLECs had a market share of between 5.5% - 9.0%. There is no doubt that local competition is thriving in South Carolina.

There can be no serious dispute that BOC entry into long distance has triggered competition across all telecommunications markets, including increased competition in the local market. As former FCC Chairman Kennard so aptly noted, "[w]e need only review the state of competition in New York and Texas to know the Act is working." William E. Kennard, Chairman, FCC, *Statement Before the Committee on the Judiciary United States House of Representatives on H.R. 1686 - the "Internet Freedom Act" and H.R. 1685 - the "Internet Growth and Development Act,"* July 18, 2000. Other experts have agreed, concluding that "Bell Atlantic's entry into long-distance - and the entry of AT&T and MCI among others, into local - has lowered costs and lowered rates for consumers, generally across the board." Bruce Hight, *SW Bell Will Start Selling Long-Distance on Monday; AT&T, WorldCom*, Austin American Statesman, July 7, 2000, at A1 (quoting Sam Simon, Chairman, Telecommunications Research & Action Center). The FCC has found that states in which a BOC has been granted long distance approval enjoy the greatest level of competitive activity. For example, according to the FCC, access lines served by CLECs in New York grew over 130% from the time the FCC granted Verizon's long distance application in December 1999 to December 2000. In Texas, CLECs gained over 500,000 end-user lines in the six months after the FCC granted SBC's request for interLATA relief - an increase of over 60%. Finally, CLEC market share in New York and Texas (the two states that had 271 approval during the reporting period ending December 2000) is over 135% and 45% higher, respectively, than the national average. *FCC Local Competition Report* at p. 1.

#### C. THE COMMISSION CAN AND SHOULD RELY ON COMMERCIAL USAGE.

The FCC has stated repeatedly that "the most probative evidence that OSS functions are operationally ready is actual commercial usage in the state for which the BOC seeks 271 authorization." *SWBT KA/OK Order*, p. 105. It is only in cases in which actual commercial data is unavailable that other means of proof are relevant. In those situations, the FCC will consider "the results of carrier-to-carrier testing, independent third party testing, and internal testing in assessing the commercial readiness of a BOC's OSS." *Id.*

As evidenced by the numbers discussed above, competition in the local market is thriving in South Carolina. BellSouth will submit to the Commission performance data evidencing both commercial usage of BellSouth's OSS and the level of performance with which BellSouth provides CLECs access to its OSS. BellSouth expects its performance data to demonstrate that BellSouth's OSS are operationally ready and that it, therefore, is complying with the competitive checklist. Thus, the CLECs' attempt to make the third party test the lynchpin of BellSouth's case is misguided. In large part, BellSouth will prove its compliance with Section 271 through commercial usage and performance data.

#### D. THE COMMISSION SHOULD NOT WAIT ON THE COMPLETION OF THE FLORIDA TEST.

Despite the compelling reasons to proceed as set forth in this Commission's scheduling order, NewSouth and SCCTA have asked the Commission to reverse its decision and delay the entire South Carolina application process. Their primary argument is that the hearing comes prior to completion of third party testing of BellSouth's Operational Support Systems ("OSS") in Florida and Georgia.<sup>1</sup> As BellSouth has demonstrated in its filing, however, the Commission can and should rely on the results of the Georgia test. The Georgia test meets all of the important criteria identified by the FCC in its *Bell Atlantic Order*, and is comparable to the tests conducted in New York and Texas.

The Georgia test meets all of the criteria established by the FCC in its decision on Bell Atlantic's New York application. Specifically, in the Georgia test, like the New York test, KPMG was an independent tester; conducted a military-style test; made efforts to place itself in the position of an actual market entrant; and made efforts to maintain blindness when possible. In compliance with FCC decisions, the Georgia test is a focused test that appropriately concentrates on the specific areas of BellSouth's OSS that had not experienced significant commercial usage. As set forth in the Master Test Plan, the test covered all five core OSS processes (pre-ordering; ordering; provisioning; maintenance and repair; and billing); electronic interfaces to the OSS (TAG, EDI, TAFI, ECTA, ODUF, ADUF, CRIS and CABS); UNE analog loops (with and without number portability); UNE switched ports; UNE business and residence port-loop combinations; LNP; and normal and peak volume testing of the electronic interfaces for pre-ordering; ordering, and maintenance and repair using a representative mix of resale

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<sup>1</sup> SCCTA and NewSouth argue that the Georgia Third Party Test is unfinished. As BellSouth explained in its filing, there are certain aspects of KPMG's metrics review that are ongoing. These items, however, are not relevant to a 271 inquiry as evidenced by the fact that the Georgia Commission is prepared to move forward without the completion of the metrics audit.

services and UNE transactions. The Georgia test also provides for an audit of BellSouth's flow-through Service Request Report for the latest three months of data.

In a Supplemental Test Plan, the Georgia Commission expanded the test to include an assessment of the change management process as it applied to the implementation of Release 6.0 ("OSS99"); an evaluation of pre-ordering, ordering and provisioning of xDSL loops; a functional test of resale pre-ordering, ordering, provisioning, maintenance and repair, and billing transactions for the top 50 electronically orderable retail services available for resale that have not experienced significant commercial usage; and an evaluation of the processes and procedures for the collection and calculation of performance data. In all, the Georgia Test covered over 1,170 test criteria.

The Georgia test included significant opportunity for CLEC input. The Georgia Commission considered input from the CLECs when designing the scope of the test plan. Moreover, CLECs had the opportunity to file comments on both the Master Test Plan and the Supplemental Test Plan, as well as KPMG's periodic status reports. Beginning January 20, 2000, KPMG invited the CLECs to participate in weekly conference calls to discuss the status of the test, including exception resolution, and to entertain any questions from the CLECs about the progress of the test.

On March 20, 2000, KPMG issued its final report to the Commission. Less than 2% of the test criteria were deemed "not satisfied." For those small number of test criteria that were not satisfied, KPMG found that "the Commission will be able to monitor these issues on an ongoing basis through the performance measures and/or penalty plans in place that address the timeliness of BellSouth responses, service order accuracy, and percent provisioning troubles within 30 days."<sup>2</sup> The Commission will have the same performance measures and data upon which to monitor BellSouth's on-going compliance.

The Georgia test is comparable in scope to the third party tests conducted in New York and Texas that the FCC has approved. The Georgia test included the same functionality review of OSS Business processes as New York and Texas. In addition, all three tests assess OSS scalability. All three tests included normal volume and peak testing of the interfaces. Moreover, the Georgia test reviewed all documentation for maintenance, updates and communication, as did New York and Texas. Like New York and Texas, the Georgia test assessed change

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<sup>2</sup> See Letter to Leon Bowles from Michael W. Weeks, March 20, 2001, p. 2, in the testimony of Ronald M. Pate on file with the Commission.



management including the notice and completion intervals; release versioning policy; defect management process; and OSS interface development review. All three tests included functional testing of pre-ordering and ordering. All three tests provisioned orders, evaluated provisioning processes, and tested the performance of specific provisioning measures. Georgia and New York tested basic functionalities of Maintenance and Repair, and included a M&R process parity evaluation. In some cases, the Georgia test went beyond the tests in New York and Texas. For example, the Georgia test included manual ordering for xDSL loops while the New York test did not. Moreover, the Georgia test included a more extensive performance metrics evaluation than either New York or Texas.

In short, the Georgia Test is thorough and robust and will provide the Commission with ample evidence of BellSouth's compliance with the competitive checklist for those areas for which BellSouth does not have commercial usage in South Carolina. As the Commission previously determined in its initial ruling, there is no reason to delay the hearing in this matter, or delay the benefits of long distance competition to South Carolina consumers.

#### E. THE COMMISSION'S SCHEDULE PROVIDES ALL PARTIES DUE PROCESS.

Finally, NewSouth and SCCTA maintain that they will not have sufficient time to prepare for the July 23 hearing due to the amount of material submitted by BellSouth. This is a misleading argument. First, although BellSouth's filing was voluminous, the majority of the documents submitted by BellSouth are ordering guides and other public material that are generally available to CLECs on the Internet and are used by CLECs to do business with BellSouth. Because CLECs must be familiar with such material in order to operate their businesses, few documents and very little information among these filings should be unfamiliar to NewSouth and SCCTA. Consequently, they will not be prejudiced in any way by having to abide by this Commission's scheduling decision.

Second, NewSouth has the opportunity to be involved in Section 271 proceedings in many states, including Alabama, Georgia, Florida, Louisiana and Mississippi. The CLEC reply dates for all of these states are before this Commission's hearing date of July 23. Because it will already have responded to many of BellSouth's applications, all of which are almost identical to the one filed with this Commission, NewSouth should be able to prepare for the scheduled hearing.

Finally, there is no need to delay the hearing because the time provided to the parties in this case is comparable to what is customarily granted. In fact, BellSouth served all parties with all of the original filed documents on May 16, 2001, as a courtesy in order to maximize the amount of time each party would have prior to

the hearing and without the parties having to file a Petition to Intervene. In its scheduling order, the Commission granted NewSouth and SCCTA, and any other party involved in this proceeding, seven weeks to prepare for the July 23 hearing. It would therefore be improper to further delay these proceedings.

At the end of their motion, NewSouth and SCCTA maintain, without justification, that the present schedule is insufficient to allow this Commission to review adequately BellSouth's application and to make a meaningful recommendation to the FCC as to whether the Section 271 application should be granted. This argument is both presumptuous and misplaced, however, as the Commission has already determined, regardless of the objections filed by all intervenors, that July 23, 2001, is an appropriate date on which to commence the hearing on the above-captioned matter. Moreover, SCCTA and NewSouth conveniently choose to ignore the five years of work this Commission has undertaken to open the local markets. While SCCTA and NewSouth may believe that the Commission has not been active, the status of local competition in this state says otherwise. The local market is irrevocably open, a fact of which the Commission should be proud. It is now time to move forward and open the long distance market. BellSouth wholeheartedly agrees with the Commission that the current schedule provides ample time for each party to present its position on BellSouth's application and that it is in the public interest to commence the hearing on July 23, 2001.

### CONCLUSION

NewSouth's and SCCTA's sole purpose for submitting the motion is to impede and delay the review of BellSouth's application to provide interLATA services. BellSouth is in full compliance with Section 271. Any delay of the review process will impede the development of a fully competitive telecommunications market in South Carolina, which will harm the consumers of this state. It is therefore in the public interest to hold the hearing on July 23, 2001.

For the foregoing reasons, this Commission should deny NewSouth's and SCCTA's Motion to Reconsider Scheduling Decision.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

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